



Image 163)

Docket No. 65542/JPW/DNS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Elena Feinstein et al.
U.S. Serial No.: 10/021,338 Examiner: J. Martinell
Filed : December 12, 2001 Group Art Unit: 1631
For : GENES INVOLVED IN STROKE RESPONSE AND/OR
REGULATED BY FK506, PROTEINS ENCODED THEREBY,
AND METHODS OF USE

1185 Avenue of the Americas
New York, New York 10036
February 5, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMUNICATION CONFIRMING THAT NOVEMBER 4, 2003 OFFICE ACTION
IS BEING VACATED

This Communication is submitted to confirm the February 3, 2004 telephone conference between Examiner James Martinell of the United States Patent and Trademark Office and Daniel Smith of the undersigned's office in which Examiner Martinell advised that the Office Action issued November 4, 2003 in the above-identified application has been vacated and that a new Office Action will issue within a week from the date of the telephone conference, i.e., by February 10, 2004.

Specifically, Examiner Martinell and Daniel Smith agreed that although the November 4, 2003 Office Action contained a restriction requirement among 52 claims, there are only 45 claims pending in this application. In addition, the restriction requirement incorrectly grouped pending claims. For instance, the November 4, 2003 Office Action classified claims 1-4 as drawn to

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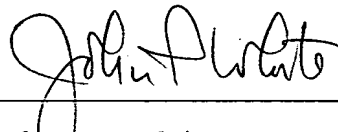
polypeptides when they claim polynucleotides and claims 8, 9, and 10 as drawn to nucleic acids when they are drawn to polypeptides.

Based on the February 3, 2004 telephone conference, applicant is taking no action with respect to the November 4, 2003 Office Action. Please contact the undersigned if there is any misunderstanding on our part with respect to this matter.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

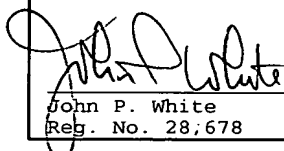
No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



2/5/04
John P. White Date
Reg. No. 28,678